

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

SECOND APPEAL NO.451 OF 1999
Along with
Civil Application No.7226 of 1999

Shri Hastimal Kapurchand Lalwani, .. Appellant.
Vs
Pune Municipal Corporation and ors .. Respondents.

Mr V.G.Peshve, for the appellant.
Mr R.S.Khadapkar i/b Mr R.G.Ketkar, for respondent no.1.

CORAM : D.B.BHOSALE, J.
DATE : 24.01.2007.

PC:

1. Heard the learned counsel for the parties.
2. Mr Peshve, learned counsel for the appellant, prays for withdrawal of this appeal in view of the subsequent development, namely, issuance of notice dated 19.1.2007 under section 265 of the B.P.M.C.Act, calling upon all the occupants and the landlord of the building in which the disputed portion of the structure situate, to file a report of the structural Engineer. He seeks liberty to make a representation in respect of the disputed structure in the appeal seeking appropriate relief with direction to the concerned authority to decide the same within timeframe. Having considered the overall facts and circumstances of the case, I am satisfied that the following order shall meet the ends

of justice.

(i) The appellant to make a representation to the concerned authority seeking appropriate relief within a period of four weeks from today. If such a representation is made, it may be decided within a period of six weeks therefrom.

(ii) It is also open for the appellant to seek appropriate relief along with other occupants and the landlord in the reply to the notice dated 19.1.2007 issued under section 265 of the B.P.M.C. Act, that will be filed by them.

(iii) The impugned judgments in the instant appeal stand confirmed. It is open for the Corporation to take action in pursuance of the notice impugned in the present proceedings after ten weeks from today, in the event the representation made by the appellant is ultimately rejected.

(iv) The appeal accordingly stands disposed of. As a consequence thereof, the civil application is disposed of.

(D.B.BHOSALE, J.)